

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

PARIS GARDNER,

Plaintiff,

vs.

OFFICER BEN JOHNSON,
OFFICER STEVE JOHNSON, AND
THE CITY OF ROCKFORD, ILLINOIS,

Defendants.

No. 08 C 50006

Hon. Judge Frederick J. Kapala

Hon. Mag. Judge P. Michael Mahoney

Jury Trial Demanded

Motion For Rule To Show Cause

Plaintiff, by his counsel hereby seeks a Rule To Show Cause under F.R.C.P. 45(e), for failure of the Winnebago County Public Defender's Office to comply with a duly served subpoena for documents in this case. In support of this motion, plaintiff states as follows:

1. On April 4, 2008, by certified and electronic mail, plaintiff's counsel served upon the office of the Winnebago County Public Defender a subpoena returnable on April 18, 2008 for all documents relating to plaintiff Paris Gardner not covered by the attorney work product or attorney client privileges. (Ex. A)

2. Plaintiff's counsel previously requested the same documents from the Public Defender's Office by way of an executed release, but this request was ignored.

3. Plaintiff has had no response whatsoever to the subpoena in question: no documents have been produced and no objections have been raised.

WHEREFORE, plaintiff seeks a rule to show cause why an order of contempt of court should not be entered for failing to comply with the subpoena.

Respectfully Submitted,

/s/ Jennifer K. Soule

Jennifer K. Soule, One of Plaintiff's

Jennifer K. Soule
Soule, Bradtke & Lambert
155 North Michigan Avenue, Suite 504
Chicago, Illinois 60601
312-616-4422 (telephone)
312-616-4423 (telefax)

Exhibit A

AO 88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the
United States District Court
 NORTHERN DISTRICT OF ILLINOIS
 WESTERN DIVISION
 SUBPOENA IN A CIVIL CASE

PARIS GARDNER,

Plaintiff,

V.

CASE NUMBER:¹ 08 C 50006OFFICER BEN JOHNSON, OFFICER STEVE
JOHNSON, AND THE CITY OF ROCKFORD,
ILLINOIS

Defendants.

TO: Via Facsimile: 815-319-4901 and U.S. Certified Mail
 Winnebago County Public Defender's Office
 400 West State Street, Suite #340
 Rockford, Illinois 61101

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

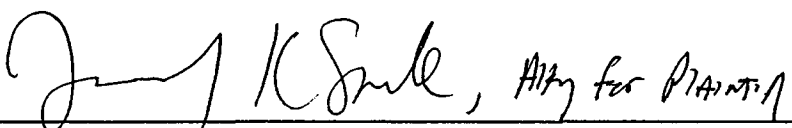
All documents except attorney work product relating to Paris Gardner, including but not limited to police reports, investigation reports and all documents provided to the Winnebago County Public Defender's Office by the City of Rockford, Illinois or Rockford Police Department. Reasonable copy costs will be reimbursed.

PLACE Soule, Bradtke & Lambert 155 N. Michigan Avenue, Suite #504, Chicago, Illinois 60601	DATE AND TIME April 18, 2008 before 3:00 p.m.
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☐ YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)  Jennifer Soule, Atty for Plaintiff	Date 4-4-08
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Issuing Officer's Name, Address, and Phone Number

Jennifer Soule
 155 N. Michigan Ave Ste 500
 Chicago IL 60601 312-616-4422

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

¹ If action is pending in district other than district of issuance, state district under case number.

*** FAX TX REPORT ***

TRANSMISSION OK

JOB NO. 0036
DEPT. ID 13
DESTINATION ADDRESS 918153194901
PSWD/SUBADDRESS
DESTINATION ID
ST. TIME 04/04 16:53
USAGE T 00' 42
PGS. 4
RESULT OK

SOULE, BRADTKE & LAMBERT

ATTORNEYS AT LAW

155 NORTH MICHIGAN AVENUE, SUITE 504

CHICAGO, ILLINOIS 60601

OFFICE@SBLLEGAL.COM

TELEPHONE: 312.616.4422

TELEFAX: 312.616.4423

JENNIFER K. SOULE

KELLY K. LAMBERT

OF COUNSEL

JAMES G. BRADTKE

FACSIMILE COVER SHEET

PLEASE DELIVER THE FOLLOWING INFORMATION FROM

Date:	April 4, 2008
CC:	Winnebago Office of the Public Defender
At:	
Fax:	815.319.4901
Re:	Subpoena for P. Gardner Records
Numbers of Pages (including cover sheet):	3

COMMENTS:

Please see attached Subpoena for the records of Paris Gardner.

PLEASE REPLY UPON RECEIPT

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>Rachel L. Barnes</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>	
		B. Received by (Printed Name)	C. Date of Delivery <i>4-7-08</i>
1. Article Addressed to: <i>Winnebago Public Defender's Office 400 West State Str., Suite 340 Rockford, IL 61101</i>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)		7007 0220 0000 4077 3050	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1541